This application has been carefully reviewed in light of the Office Action dated February 25, 2009. Claims 138 to 140, all of which are independent, are pending in the application. Reconsideration and further examination are respectfully requested.

Claims 138 to 149 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 4,206,996 (Clark) in view of U.S. Patent No. 5,270,775 (Suzuki). Reconsideration and withdrawal of this rejection are respectfully requested.

The present claims are directed to an information processing system for managing a plurality of output control apparatuses by an information processing apparatus over a network. In one aspect of the invention, each of the output control apparatus create and maintain their own trouble data and then transmit the trouble data to the information processing apparatus. The information processing apparatus then selects which output control apparatuses to use based on the trouble counts. In such a system, a technical advantage is achieved in that the information processing system can select peripherals while keeping problems to a minimum.

Turning to specific claim language, independent Claim 138 is directed to a printing system comprising a plurality of output control apparatuses and an information processing apparatus communicating with the plurality of output control apparatuses via a network. The output control apparatus includes print counting means for counting a print count value indicating a number of prints in response to delivery of a print sheet printed by the printer; first trouble counting means for counting a first trouble count value indicating a number of print troubles of the printer; second trouble counting means for counting a second trouble count value indicating a number of print troubles which occur until the print count value counted by the print counting means reaches a predetermined value; determination means for determining whether or

not the print count value counted by the print counting means reaches the predetermined value; transmission control means for controlling transmission of trouble data including the second trouble count value counted by the second trouble counting means to the information processing apparatus via the network, without receiving a request for outputting the second trouble count value from the information processing apparatus, if the determination means determines that the print count value counted by the print counting means reaches the predetermined value; and initialization means for, if the determination means determines that the print count value counted by the print counting means reaches the predetermined value, initializing the second trouble count value counted by the second trouble counting means, without accepting a manual operation by the user. The information processing apparatus includes reception means for receiving the trouble data from the plurality of output control apparatuses; and selection means for selecting one of the plurality of output control apparatuses which has the smallest second trouble count value, based on the trouble data received by the reception means.

Applicant respectfully submits that the cited references, namely Clark and Suzuki, considered either alone or in combination, fail to disclose or suggest all of the features of the printing system of Claim 138. In particular, the cited references, either alone or in combination, fail to disclose or suggest at least the features of a printing system including a plurality of output control apparatuses and an information processing apparatus communicating with the plurality of output control apparatuses via a network, wherein the information processing apparatus comprises a reception means for receiving the trouble data, including the second trouble count, from the plurality of output control apparatuses and a selection means for selecting one of the plurality of output control apparatuses which has the smallest second trouble count value, based on the trouble data received by said reception means.

In the Office Action, it is asserted that Clark discloses use of a first and second trouble count as featured in the present claims. Applicant respectfully disagrees with such a characterization of Clark. Applicant submits that the "jam copies counter" "jam register pointer counter" are not analogous to Applicant's first and second trouble counts. Specifically, when a count value is not 0, then the jam copiers counter of Clark is initialized to 1, and another counter is incremented, the "jam register pointer counter." (See Clark, column 11, lines 35 to 40). Clark further states that "(i)f, however, the counts are not equal, and if the count at the originals count register unit 232 does not equal zero, then the jam register pointer counter 242 is incremented through OR gate 247 (from AND gate 279 which receives inputs from AND gate 272 and comparator 266 through inverter 280), and the jam copies counter 250 is reset to 1 (through delay 284 and OR gates 282 and 254)." (See Clark, column 16, lines 15 to 30). Therefore, the counter "jam copies counter" is constantly reset and the "jam register pointer counter" is constantly incremented. Therefore, while Clark may show initialization of the "jam copies counter" and constant incrementing of the "jam register pointer counter", there is no indication that either of Clark's "jam copies counter" and "jam register pointer counter" correspond to a second trouble counting means for counting a second trouble count value indicating a number of print troubles which occur until the print count value counted by said print counting means reaches a predetermined value. Therefore, it cannot be said that Clark discloses or suggests receiving trouble data including the second trouble count from the plurality of output control apparatuses and selecting one of the plurality of output control apparatuses which has the smallest second trouble count value, based on the trouble data.

In addition, Suzuki discloses that the relay apparatus 2 communicates with the host computer and that the computer 30 collects the data A and B from the copying machines 4

in the office, totalizes the number of copies used by specific departments, for example, and effects transfer processing of charges. (See Suzuki, column 5, lines 10 to 14). Suzuki, however, fails to disclose or suggest receiving the trouble data including the second trouble count from the plurality of output control apparatuses and selecting one of the plurality of output control apparatuses which has the smallest second trouble count value, based on the trouble data.

Thus, Clark and Suzuki, either alone or in combination, fail to disclose or suggest all of the features of independent Claim 138. In light of this deficiency in Clark and Suzuki, Applicant submits that independent Claim 138 is now in condition for allowance and respectfully requests same.

Independent Claims 139 and 140 are directed to a method and a memory medium, respectively, corresponding to the apparatus of Claim 138. Therefore, Applicant submits that Claims 139 and 140 are also in condition for allowance and such action is respectfully requested.

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

CONCLUSION

The Director is authorized to charge the $130 one-month extension fee to Deposit Account No. 50-3939. The Director is further authorized to charge any deficiency or credit any overpayment to Deposit Account No. 06-1205.

No claim fees are believed due; however, should it be determined that additional claim fees are required, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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